

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

GREGORY F., et al.,

Plaintiffs,

v.

SOVEREIGN PROPERTY MANAGEMENT,

Defendant.

Case No. 2:23-cv-00161-JDW

ORDER

AND NOW, this 10th day of February, 2023, upon review of the Answer Of Defendant Sovereign Property Management, LLC To The Complaint And Request For Injunctive Relief Of Plaintiffs Gregory F. And Zachary F. With Separate Defenses (ECF No. 5), I note the following.

1. Federal Rule of Civil Procedure 11(b) requires counsel to have a good faith belief for any assertion of fact or legal contention in any submission to the Court;

2. This rule applies to the assertion of affirmative defenses (*see Ruth v. Unifund CCR Partners*, 604 F.3d 908, 911 (6th Cir. 2010); *Greenspan v. Platinum Healthcare Group, LLC*, Case No. 2:20-cv-5874-JDW, 2021 WL 978899, at * 2 (E.D. Pa. Mar. 16, 2021)), meaning that parties may not assert affirmative defenses just to preserve them; and

3. Defendant has asserted thirteen affirmative defenses, many of which appear to lack a good faith basis, including the First, Second, Third, Fourth, Eighth, Ninth, and Tenth affirmative defenses.

Therefore, it is **ORDERED** that, on or before February 17, 2023, Defendant shall either (a) file an Amended Answer, asserting only affirmative defenses that it has a good faith basis to assert, or (b) show cause, in a Memorandum not to exceed 10 pages, why the Court should not strike all of the asserted affirmative defenses, pursuant to Fed. R. Civ. P. 11(c)(3).

BY THE COURT:

/s/ Joshua D. Wolson

JOSHUA D. WOLSON, J.